

City Council Introduction: **Monday**, June 10, 2002
Public Hearing: **Monday**, June 17, 2002, at **1:30 p.m.**

Bill No. 02-78

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3365**, from H-1 Interstate Commercial to H-3 Highway Commercial, requested by Mark Hunzeker on behalf of Whitehead Oil Company, on property generally located at the southeast corner of No. 27th Street and Whitehead Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda 05/29/02
Administrative Action: 05/29/02

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval 5-0 (Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent).

ASSOCIATED REQUESTS: None

FINDINGS OF FACT:

1. The staff recommendation to approve this change of zone request is based upon the "Analysis" as set forth on p.3-4, concluding that the request is in conformance with the Comprehensive Plan and is consistent with existing zoning in the area.
2. This application was placed on the Consent Agenda of the Planning Commission on May 29, 2002, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 3, 2002

REVIEWED BY: _____

DATE: June 3, 2002

REFERENCE NUMBER: FS\CC\2002\

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3365
SE corner of N. 27th Street and Whitehead Drive

DATE: May 8, 2002

PROPOSAL: To change the zone from H-1, Interstate Commercial to H-3, Highway Commercial.

LAND AREA: 5.15 acres, more or less

CONCLUSION: This request is in conformance with the Comprehensive Plan and is consistent with existing zoning in the area.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 4 and 5, Saline Plaza and Lots 1 and 2, Saline Plaza 1st Addition.

LOCATION: Generally located on the SE corner of N. 27th Street and Whitehead Drive.

APPLICANT: Whitehead Oil Company
P.O. Box 30211
Lincoln, NE
(402)435-3509

OWNER: Same

CONTACT: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
(402)476-7621

EXISTING ZONING: H-1, Interstate Commercial

EXISTING LAND USE: Hotel and undeveloped.

SURROUNDING LAND USE AND ZONING:

North:	Restaurant, gas station	H-1, Interstate and H-3, Highway Commercial
South:	Residential, undeveloped	R-3 and R-5, Residential
East:	Undeveloped	R-3, AG, Agricultural
West:	Hotel, undeveloped	H-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan indicates this area as commercial (Page 39).

HISTORY: City Council approved Change of Zone #3058 from AG, Agricultural to H-1, Interstate Commercial on August 11, 1997.

This area was zoned A-A, Rural and Public Use District, until 1979 when it was updated to AG, Agricultural during the zoning update.

TRAFFIC ANALYSIS: N. 27th Street is classified as an Urban Principal Arterial in the functional street and road classification in the Comprehensive Plan (page 92).

ENVIRONMENTAL CONCERNS: The site slopes to the northeast toward the wetlands. Drainage from this property could runoff into the wetland areas.

ANALYSIS:

1. This is a request to change the zone of a property from H-1 to H-3.
2. The primary differences between the H-1 and H-3 zones are uses and signage. H-3 allows a wider variety of commercial uses, while H-1 is generally restricted to interstate related uses such as hotels, restaurants and gas stations. One on premises ground or pole sign is permitted per business in the H-1 district, whereas, one on premises ground or pole sign is permitted per business per frontage in the H-3 district. Off-premises signs in the H-1 district are limited to 300 square feet and 35' in height while off-premises signs in the H-3 district may be 700 square feet and 45' in height. This property is not within the 660' required for a designated interstate on-premises pole sign allowed by both districts.
3. H-3 provides greater setback requirements than H-1. For example, H-1 requires a 25' front yard, 5' side yard and maximum height of 45' while H-3 requires a 30' front yard, 15' side yard or 20' when abutting residential and a maximum height of 45'.
4. The Comprehensive Plan lists criteria for the review of zoning proposals. These include portions of Nebraska Revised Statutes Section 15-902;
 1. **Safety from fire, flood and other dangers;** This area is not located in a floodplain.
 2. **Promotion of the public health, safety, and general welfare;** This change will allow a greater variety of uses.
 3. **Consideration of the character of the various parts of the area, and their particular suitability for particular uses, and types of development;** This is an entrance-way into the city. H-3 exists on the west side of N. 27th Street at this location, as well as to the north and south of this property.
 4. **Conservation of property values; and** There is no apparent effect.

5. **Encouraging the most appropriate use of land throughout the area zoned, in accordance with a comprehensive plan.** The Comprehensive Plan indicates this area as commercial. A number of sites in the area are zoned H-3 presently.

There are seven specific criteria established in the Plan for review including;

- a. **Infrastructure: the availability of the water, sewer, drainage and the transportation systems.** Utilities are available to the area.
- b. **Compatibility: harmony and suitability with the surrounding land uses and the natural environment.** The H-3 zone is compatible with the other commercial zones in the area, including existing H-3 in several locations.
- c. **Health and Safety: protection against natural and man-made hazards including noise; air, ground and water pollution; flooding; and hazards from industrial or agricultural processes or products.** The area is not in a floodplain and is surrounded by residential and other commercial.
- d. **Physiographic Features: the topography, suitability of proposed land uses with streams, lakes, soil types, natural vegetation or wildlife habitat.** There are existing wetlands and water bodies to the northeast of this property. These areas are sensitive areas and are outside the boundary of this zoning request.
- e. **Accessibility: availability, or lack thereof, of public transportation, arterial connections and pedestrian linkages.** The properties have access to a private roadway that connects to N. 27th Street.
- f. **Open Space: availability of sufficient open space and recreational areas to accommodate a project's residents and employees.** There are no parks in the area.
- g. **Fiscal Impacts: whether the proposed use does not create a burden to local tax revenues and/or available resources.** There is no apparent impact. This is an existing commercial zone requesting to change to another commercial zone.

Prepared by:

Becky Horner
Planner

CHANGE OF ZONE NO. 3365

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

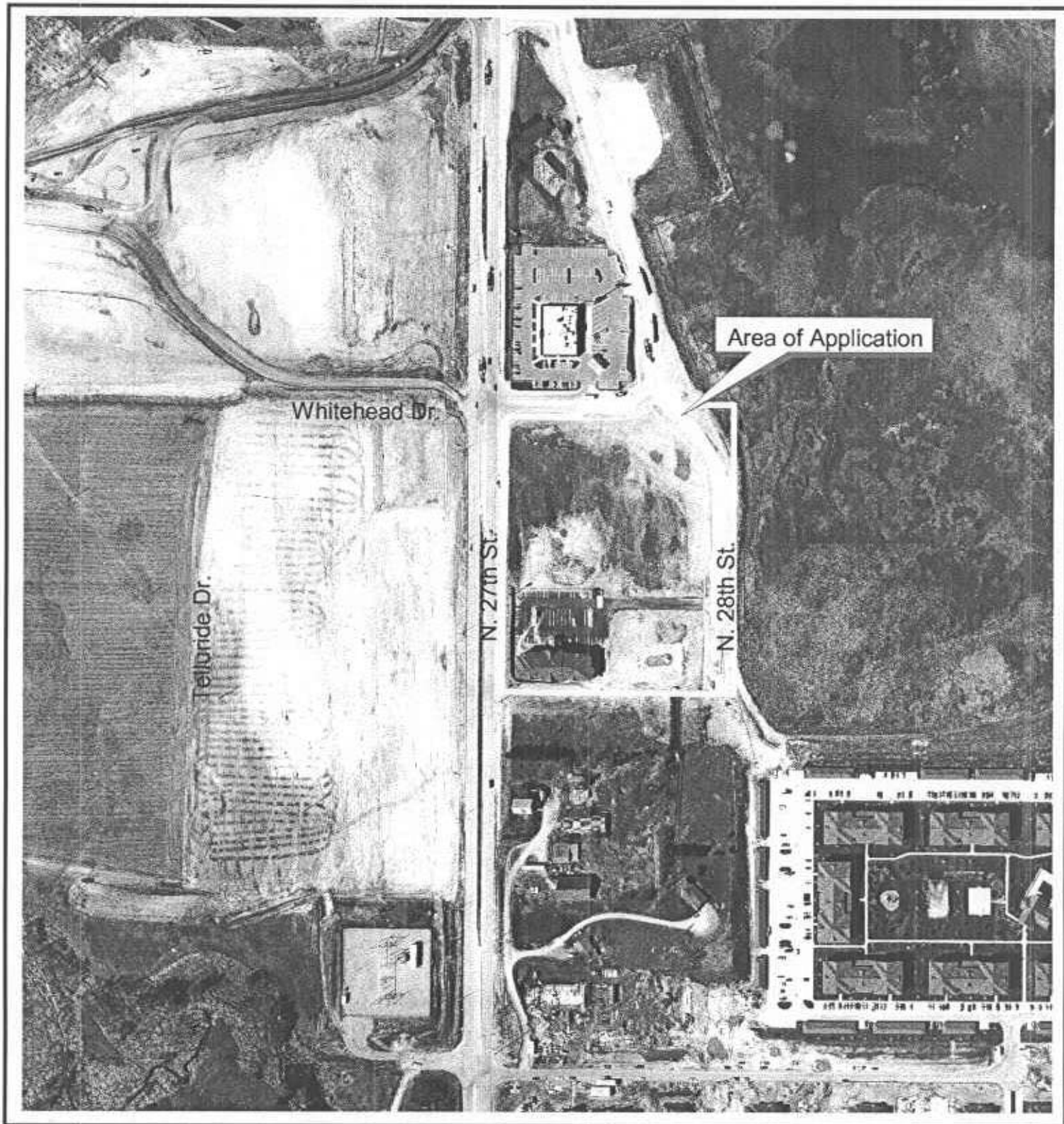
May 29, 2002

Members present: Carlson, Duvall, Newman, Schwinn and Steward; Krieser, Larson, Bills-Strand and Taylor absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3365; FINAL PLAT NO. 02014, HIGHLANDS BUSINESS PARK 2ND ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 02002, FY 2002 ACTION PLAN; and STREET AND ALLEY VACATION NO. 02003.**

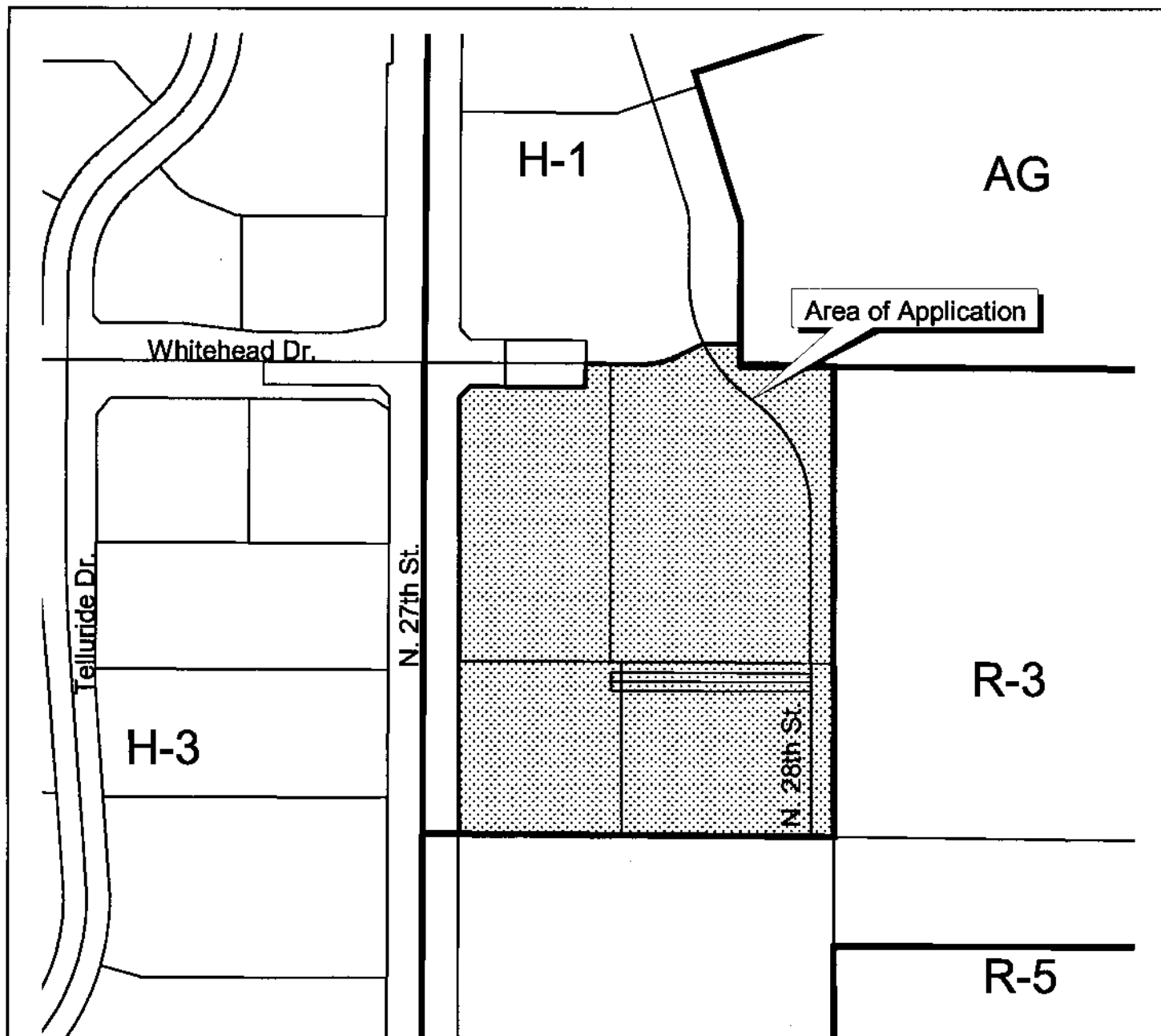
Carlson moved to approve the Consent Agenda, seconded by Duvall and carried 5-0: Carlson, Duvall, Newman, Schwinn and Steward voting 'yes'; Krieser, Larson, Bills-Strand and Taylor absent.

Note: This is final action on the Highlands Business Park 2nd Addition Final Plat No. 02014, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



**Change of Zone #3365
N. 27th St. & Fletcher Ave.**



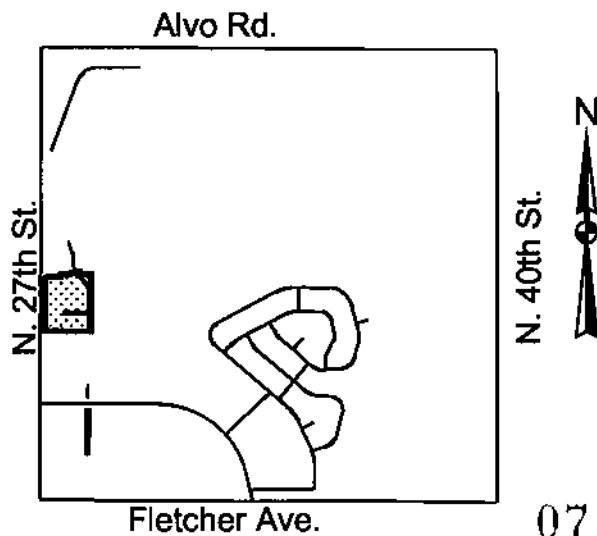
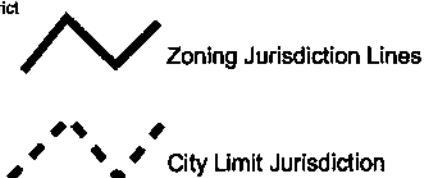


Change of Zone #3365 N. 27th St. & Fletcher Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 31 T11N R7E



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CITY OF LINCOLN ZONING APPLICATION

Honorable City Council

Date 5/2, 2002

City of Lincoln, Nebraska

Application No. 3365

Under the provisions of Title 27 of the Lincoln Municipal Code, the undersigned hereby applies for a:

<input checked="" type="checkbox"/> Change of zone from <u>H-1</u> to <u>H-3</u> <input type="checkbox"/> Change of zone, (text) 27. _____ <small>*NOTE: City policy requests that text amendments be presented to the Mayor's Neighborhood Roundtable</small> Presentation Date _____ <input type="checkbox"/> Use Permit <input type="checkbox"/> Pre-Existing Use Permit _____ <input type="checkbox"/> Waiver of Design Standards	<input type="checkbox"/> Special Permit <input type="checkbox"/> Administrative Special Permit (Wireless) SP Pre-application Conference Date _____ <input type="checkbox"/> Pre-Existing Special Permit # _____ <input type="checkbox"/> Administrative Amendment to SP _____; UP _____; PUD _____ <input type="checkbox"/> Miscellaneous
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to _____ as per Section 27.

(indicate purpose of application)

Property Owner WHITEHEAD OIL COMPANY Telephone 435-3509

Address PO Box 30211 LINCOLN NE Email _____

Applicant (Permittee) Name MARK A. HUNZEKER Telephone 476-7621

Address 1045 LINCOLN MALL SUITE 200 Email _____

Contact Name _____ Telephone _____

Address _____ Email _____

Project Legal Description: Lot(s) 4 & 5, SALINE PLAZA, Block(s) AND LOTS 1 & 2 SALINE
PLAZA 1ST ADD Addition, _____ Section, 31 T 11 N, R 7 E

☐ See attached Legal Description (hard copy and digital if available)

Project Address/Location 27 1/2 WHITEHEAD DR.

Applicant's (Permittee's) Signature Mark A. Hunzeker
 Property Owner's Signature _____

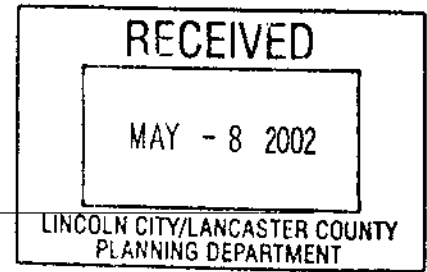
* NOTE: If applicant is not owner of the premises, the owner's signature (or written permission of the owner authorizing the applicant to sign on behalf of the owner) must be affixed to this application. The applicant and owner's signatures (or owner's written permission) certifies that permission is granted by the owner to all authorized city/county personnel to enter the premises for the purpose of review of this application.
 **NOTE: Change of Zone applications do not require the property owner's signature.


Planning Department Use Only:

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Permit Name & Location <u>Fletcher + N. 27th</u>	PAS No. <u>3365</u>
Date <u>5-2-02</u>	Fees Paid \$ <u>585.00</u>
Planner <u>Becky Horner</u>	Receipt No. <u>264604</u>

M e m o r a n d u m



To: Becky Horner, Planning Department
From:  Dennis Bartels, Public Works/Utilities Dept.
Subject: Change of Zone Saline Plaza #3365
Date: May 6, 2002
cc: Roger Figard, Nicole Fleck-Tooze, Randy Hoskins

Engineering Services has no comments concerning the proposed change of zone from H-1 to H-3 in a portion of Saline Plaza and Saline Plaza 1st Addition.

fcp memo to becky horner ddb